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15 GOOGLE INC.

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17 UNITED STATES DISTRICT COURT  
18 NORTHERN DISTRICT OF CALIFORNIA  
19 SAN FRANCISCO DIVISION

20 ORACLE AMERICA, INC.,

21 Plaintiff,

22 v.

23 GOOGLE INC.,

24 Defendant.

Case No. 3:10-CV-03561-WHA

**NOTICE RE GOOGLE'S FIRST  
SUPPLEMENTAL TRIAL WITNESS  
DISCLOSURE PURSUANT TO FED. R.  
CIV. P. 26(a)(3)**

Judge: Hon. William Alsup  
Dept.: Courtroom 8, 19<sup>th</sup> Floor

1 PLEASE TAKE NOTICE that Google served the attached First Supplemental Trial  
2 Witness Disclosure Pursuant to Fed. R. Civ. P. 26(a)(3) on February 23, 2012. As stated in that  
3 Supplemental Disclosure, each of the witnesses disclosed therein was identified in the February  
4 3, 2012 Expert Report of Dr. Iain M. Cockburn as conducting review and analysis of patents in  
5 connection with Dr. Cockburn's third expert report. Each of the individuals was deposed in  
6 February 2012 pursuant to a Court order authorizing the depositions.

7  
8 Dated: March 29, 2012

KEKER & VAN NEST LLP

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10 By: /s/ Robert A. Van Nest  
ROBERT A. VAN NEST

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Case No. 3:10-CV-03561-WHA

**GOOGLE'S FIRST SUPPLEMENTAL  
TRIAL WITNESS DISCLOSURE  
PURSUANT TO FED. R. CIV. P. 26(a)(3)**

Judge: Hon. William Alsup  
Dept.: Courtroom 8, 19<sup>th</sup> Floor

Pursuant to Fed. R. Civ. P. 26(a)(3), (e) and the Court's Guidelines for Trial and Final Pretrial Conference in Civil Jury Cases, Google supplements its October 7, 2011 list of witnesses for trial of this matter. Each of the individuals disclosed in this Supplemental Disclosure was identified in the February 3, 2012 Expert Report of Dr. Iain M. Cockburn as conducting review and analysis of patents in connection with Dr. Cockburn's third expert report. Each of the individuals was deposed in February 2012 pursuant to a Court order authorizing the depositions.

Google may call each of these witnesses, all of whom are current Oracle employees. As required by the Court's Guidelines, Google has identified non-cumulative testimony in the summaries below by italicizing that testimony.<sup>1</sup>

Name	Manner of Presentation	Substance of Trial Testimony
Kessler, Peter	Live or by deposition	Mr. Kessler may testify concerning Oracle's alleged conception, reduction to practice, and <i>use of U.S. Patent Nos. 6,910,205 and RE38,104, including but not limited to in the JDK</i> ; Oracle's benchmarking tests and related Android and Java source code modifications; <i>work he performed in connection with Dr. Iain Cockburn's third expert report</i> ; and issues related to Java or Android technology. He may also testify concerning documents on the exhibit list that are either authored by him or were sent to him.
Plummer, Christopher	Live or by deposition	Mr. Plummer is an Oracle engineer who may testify about <i>work he performed in connection with Dr. Iain Cockburn's third expert report</i> and issues related to Java or Android technology. He may also testify concerning documents on the exhibit list that are either authored by him or were sent to him.
Reinhold, Mark	Live or by deposition	Mr. Reinhold may testify about Sun's practices and policies relating to alleged Java intellectual property rights; <i>Sun's communications with Apache and/or communications concerning Apache Harmony</i> ; Sun's policies and practices with respect to licensing and open sourcing Java-related software and platforms; the Java Community Process; alleged "fragmentation" or "forking"; <i>work he performed in connection with Dr. Iain Cockburn's third expert report</i> ; and issues related to Java or Android technology. He may also testify concerning documents on the exhibit list that are either authored by or were sent to him.

<sup>1</sup> Peter Kessler and Mark Reinhold were disclosed in Google's October 7, 2011 witness list.

Name	Manner of Presentation	Substance of Trial Testimony
Rose, John R.	Live or by deposition	Mr. Rose is an Oracle engineer who may testify about <i>work he performed in connection with Dr. Iain Cockburn's third expert report</i> and issues related to Java or Android technology. He may also testify concerning documents on the exhibit list that are either authored by him or were sent to him.
Wong, Hinkmond	Live or by deposition	Mr. Wong is an Oracle engineer who may testify about <i>work he performed in connection with Dr. Iain Cockburn's third expert report</i> and issues related to Java or Android technology. He may also testify concerning documents on the exhibit list that are either authored by him or were sent to him.

In addition to the witnesses identified above and in Google's October 7, 2011 disclosure, Google may also call witnesses for rebuttal and may call witnesses identified on Oracle's witness list. Google will counter-designate testimony of various witnesses designated by Oracle pursuant to Judge Alsup's Guidelines for Trial and Final Pretrial Conference in Civil Jury Cases. Should Oracle introduce any deposition testimony it has designated for witnesses not at trial, Google will, in rebuttal, introduce the testimony they have counter-designated.

Dated: February 23, 2012

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